

**Probation Committee  
Judicial Conference of Indiana**

**Minutes  
April 9, 2010**

The Probation Committee of the Judicial Conference of Indiana met at the Indiana Judicial Center on April 9, 2010.

1. **Members present.** The following members of the Probation Committee were present: Matthew Bailey, Julie Cantrell, David Chidester, Thomas Felts, Thomas Lett, Brett Niemeier, Mark Smith, and Mark Stoner, chair.
2. **Staff present.** Jenny Bauer, Jane Seigel, Michelle Goodman and Bob Champion provided staff assistance.
3. **Guest.** Judge Steve Sims of Allen Superior Court attended the meeting representing the Indiana Council of Juvenile and Family Court Judges.
4. **Approval of Minutes.** The minutes from the January 2010 meeting were approved with one change.
5. **Risk Assessment Project.** Michelle Goodman reported that the risk assessment project is now moving into the training phase. Juvenile trainers are completing their training and regional trainings on the juvenile instruments will be conducted from May to August. Ms. Goodman also stated that trainers for the adult instrument have been selected. Training on the adult instruments should begin in August. Ms. Goodman distributed the draft policy for use of the adult risk assessment system and explained that it is similar to the juvenile policy approved by the committee. Ms. Goodman provided the committee with an overview of the 5 tools that make the adult risk assessment system. A motion was made to approve the draft policy for use of the adult risk assessment system. The motion was approved unanimously.
6. **Intrastate Transfer issues.** Jenny Bauer reported that several counties have called the Judicial Center recently about problems with determining the residence of a transferring sex offender. The committee discussed the issue and acknowledged that sex offenders who are released from prison often have problems finding an appropriate place to reside. The committee discussed the intrastate transfer provisions and agreed that not defining “residence” allows counties the most flexibility to deal with this difficult population of offender. The committee requested that Jenny Bauer contact the Department of Correction to determine the DOC policy on transporting offenders after release from a facility.
7. **Annual Meeting Update.** Bob Champion reported that the Probation Officers Annual Meeting is on May 6<sup>th</sup> at the Indiana Convention Center. He stated that the 2010 Annual Meeting will be one full day, instead of the usual 2 half days, as a budget-cutting measure by the Indiana Judicial Center. The Judicial Center also instituted on-line registration for the conference and has posted the agenda on the Judicial Center’s website.

8. **Salary Schedule.** Jenny Bauer distributed a letter sent from Judge Lewis Gregory of Greenwood City Court to Jane Seigel regarding the Minimum Salary Schedule for Probation Officers. In the letter, Judge Gregory asked for permission to not follow the salary schedule. He explained that he did not want to give raises to the probation officers who were moving up a salary level on the schedule because it would not be fair to other city workers not receiving raises. The committee discussed the letter and the salary schedule. The committee consensus was that allowing one judge to not comply with the schedule would be a slippery slope and that Judge Gregory's request should be denied. Judge Stoner will contact Judge Gregory to discuss the committee's decision.
9. **Proposed Probation Consolidation Rule.** Judge Stoner reported that the Probation Workgroup drafted a proposed probation consolidation rule and distributed it to the judiciary for comment in March. He stated that approximately 20 comments were received from judges and chief probation officers. He said that the comments were varied and ranged from supportive to suggesting exceptions for small counties, big counties and juvenile departments. The workgroup revised the proposed rule based on the comments. Judge Stoner explained that the intent of the group in drafting the proposed rule was to stave off consolidation legislation. He said that the judiciary needs to be able to report on its efforts to the Commission on Courts this summer. He stated that the big issue is what to do with juvenile probation departments-- leave them out of the rule or leave them in with/without a staggered implementation. He said the revised rule removes the staggered implementation for juvenile departments and also pushes the time-table back by one year. Judge Steve Sims spoke to the committee on behalf of the Indiana Council of Juvenile and Family Court Judges. He said the general feeling of his group is that every county should have the option of having a separate juvenile probation department. He also said that juvenile judges don't want to consolidate because they would lose control. The committee engaged in a spirited discussion of the proposed rule and decided to send the proposal back to the workgroup with the following recommendations: remove the last sentence of (B)(2), remove examples of divisions in (F)(2), and exclude juvenile probation departments.
10. **Next meeting.** The next meeting will be either June 4 or June 11, 2010.

Respectfully submitted,

Jenny Bauer  
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Indiana Judicial Center